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ACT TO AMEND AND
CONSOLIDATE THE ACTS
RELATING TO THE
PROFESSION OF MEDICINE
AND SURGERY

JAN 18 1962

Quebec (Province) Laws statutes, etc.

AN ACT ✓

TO AMEND AND CONSOLIDATE THE ACTS RELATING

TO THE

PROFESSION OF

MEDICINE AND SURGERY

IN THE

PROVINCE OF QUEBEC.

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AN ACT
TO AMEND AND CONSOLIDATE THE ACTS RELATING
TO THE PROFESSION OF
MEDICINE AND SURGERY
IN THE PROVINCE OF QUEBEC.

WHEREAS the laws now in force in the Province of Quebec, for regulating the qualifications and examination of candidates for the study of medicine, surgery and midwifery; for the registration of medical practitioners, and for the infliction of penalties upon persons infringing the provisions of the Medical Act respecting the practice of medicine, surgery and midwifery, require amendment; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Preamble.

I. From and after the passing of this act, the act or ordinance of the legislative council of the late Province of Quebec, passed in the twenty-eighth year of the reign of His late Majesty King George the Third, and entitled, *An act or ordinance to prevent persons practising physic and surgery within the Province of Quebec, or midwifery within the towns of Quebec and Montreal, without license*, and all other acts or part of acts in any manner relating to the practice of medicine, surgery or midwifery in the Province of Quebec, or in any manner relating to the mode of obtaining licenses to practice medicine, surgery or midwifery therein, shall be and are hereby repealed, except in so far as relates to any offence committed against the same or any of them before the passing of this act, or any penalty or forfeiture incurred by reason of such offence.

Act or ordinance of
Legislative
Council of L. C.
28 Geo. iii. cap 8
xxi. Vic. cap.
xxvi. and all
acts amending
same repealed.

II. All persons resident in the Province of Quebec and licensed to practice medicine, surgery or midwifery therein at the time of the passing of the present act, and all persons who may hereafter obtain a license to practice medicine, surgery and midwifery in this Province, shall be, and are hereby constituted a body politic and corporate by the name of *The College*

of *Physicians and Surgeons of the Province of Quebec*, and shall by that name have perpetual succession and a common seal, with power to change, alter, break or make new the same; and they and their successors by the name aforesaid may sue and be sued, implead and be impleaded, answer and be answered unto in all courts and places whatsoever, and by the name aforesaid shall be able and capable in law to have, hold, receive, enjoy, possess and retain for the ends and purposes of this act and for the benefit of the said college, all such sums of money as have been or shall at any time hereafter be paid, given or bequeathed to and for the use of the said college; and by the name aforesaid shall and may at any time hereafter, without any letters of mortmain, purchase, take, receive, have, hold, possess and enjoy any lands, tenements or hereditaments or any estate or interest derived or arising out of any lands, tenements or hereditaments for the purposes of the said college and for no other purposes whatever; and may sell, grant, lease, demise, alien or dispose of the same, and do or execute all and singular the matters and things that to them shall or may appertain to do; provided always that the real estate so held by the said corporation shall at no time exceed in value the sum of \$20,000.

All
practitioners of
medicine to
form the
College of
P. & S., P.Q.

Holding
property, &c.

Amount of real
estate limited.

Appellation of
persons who
compose
College.

III. From and after the passing of this act, the persons who compose the college of physicians and surgeons shall be styled "Members of the College of Physicians and Surgeons of the Province of Quebec."

Affairs to be
conducted by a
board of forty
governors, to be
elected every
third year.

Certain
governors to be
delegated by
the Universities
and
Incorporated
Schools of
Medicine.

IV. 1. The affairs of the said college shall be conducted by a board of governors, forty in number, and elected for three years—fifteen of whom shall be elected from among the members of the college, resident in the district of Quebec; nineteen from among its members resident in the district of Montreal; three from among its members resident in the district of Three Rivers; and three from among its members resident in the District of St. Francis; and of the said Board of Governors neither more nor less than eight shall be resident in the city of Quebec, and neither more nor less than eight in the city of Montreal; provided always that not less than two members out of the city members shall be delegates from each of the universities, colleges and incorporated medical schools now existing in the Province of Quebec, to wit: The University of Laval, the University of McGill, the University of Bishop's College, and the Incorporated Schools of Medicine and Surgery of Montreal, affiliated with the University of Victoria College, or

with any other British University; and at each election of the board of governors, every member of the said corporation shall have the right of voting by proxy.

2. Of the aforesaid districts, the district of Quebec shall comprise the present judicial districts of Quebec, Gaspé, Saguenay, Chicoutimi, Rimouski, Montmagny, Beauce, and Kamouraska; the district of Montreal shall comprise the present judicial districts of Montreal, Terrebonne, Joliette, Richelieu, Bedford, St. Hyacinthe, Iberville, Beauharnois and Ottawa; the district of Three Rivers shall comprise the present judicial districts of Three Rivers and Arthabaska, and the district of St. Francis shall consist of the present judicial district of St. Francis.

Limits of Districts.

3. The members of the board of governors shall be elected for a period of three years, but any member may resign his appointment at any time by letter addressed to the Secretary of said board, and upon the death or resignation of any member of the said board, it shall be the duty of the Secretary forthwith to notify the university or body wherein such vacancy may occur, of such death, resignation, or removal, and such university or body shall have the power to nominate another duly qualified person to fill such vacancy, or if the vacancy be caused by the death, resignation or removal from the electoral city or district of any member elected from the electoral districts or cities, the Board of Governors shall fill up such vacancy from amongst the eligible members of the college in the city or district where such vacancy shall have occurred by an election by ballot at the next ensuing meeting subsequent to the occurrence of such vacancy, and it shall be lawful for the board of governors to exercise during such vacancy the powers of the board hereinafter mentioned.

Board of Governors elected for three years.

Resignation or death vacancies, how supplied.

V. The said board of governors shall be, and are hereby constituted, "The Provincial Medical Board," in which capacity they shall meet to perform the several duties devolving upon them under this act as the board of Governors of the College, not less than twice in each year, at such time and place as by them shall be deemed most fit, and on which occasions, seven shall be a quorum for the transaction of business.

Board of Governors to constitute The Provincial Medical Board.

VI. From and after the passing of this act, no person shall practice medicine or surgery, or midwifery, in the Province of

All Practitioners of Medicine to hold license from Provincial Medical Board.

Quebec, unless he shall have obtained a license from the Provincial Medical Board ; who are hereby authorised to issue such license.

Graduates of Universities or Colleges mentioned in sec. iv. to be entitled to such license.

VII. Every person who has obtained or may hereafter obtain a medical degree or diploma, in any university or college mentioned in section IV of this act shall be entitled to such license without examination as to his qualifications ; provided always that the Provincial Medical Board shall have the power and option of extending the same privilege to the holders of Medical degrees and Diplomas of other British and Colonial Universities and Colleges.

How persons are to be admitted to the study of medicine.

VIII. From and after the passing of this act, no person shall be admitted as a student of medicine, surgery or midwifery, unless he shall have obtained a certificate of qualification from the Provincial Medical Board, and no one shall be entitled to the license of the college on presentation of a Diploma unless he has been previously admitted to the study of medicine in accordance with the provisions of this act, or unless he has passed an equivalent preliminary examination before an authorized College or Licensing Board in Her Majesty's Dominions, acceptable to the Board created by this Act.

Examiners on preliminary education to be appointed.

IX. At the first regular meeting of said Board after the passing of this act, there shall be appointed by the Provincial Medical Board for three years [subject to the continual approval of the Board,] four persons actually engaged in the work of general education in the Province of Quebec, to examine all persons about to begin the study of medicine, surgery and midwifery, on the subjects of general education hereinafter mentioned as belonging to the preliminary qualification of medical students, viz ; one examiner skilled in the French language and one skilled in the English language for the City of Montreal, and one skilled in the French language and one skilled in the English language for the City of Quebec. The subjects of the preliminary qualification to be English and French, Latin, geography, history, arithmetic, algebra, geometry *belle-lettres*, and any one of the following subjects, Greek, natural and moral philosophy ; and the candidate to present a certificate of good moral character ; provided that all medical students who before the passing of this act shall have passed their preliminary examination before the examiner or examiners of any university, or incorporated school, or provincial medical board, shall not be required to pass before the examiners mentioned in this section.

Subjects of preliminary qualification.

X. Every person wishing to obtain a licence to practice medicine, surgery and midwifery in this province, and to be registered under this act, and who shall not have obtained a degree or diploma in medicine, surgery and midwifery from any of the institutions mentioned in clause four of this act, shall *before being entitled to such license* and to *registration* in this province, *pass an examination* as to his knowledge and skill for the efficient practice of medicine, surgery and midwifery, before *this board*; and upon passing the examination required, and proving to the satisfaction of the examiners that he has complied with the rules and regulations made by the provincial board, and on payment of such fees as the board may by general by-law establish, such person shall be entitled to a licence to practice medicine, surgery and midwifery in the Province of Quebec.

Persons without degree or diploma desirous to obtain a license to pass an examination before this Board.

XI. The said board of governors of the college of physicians and surgeons shall have power :—

Powers of the Board of Governors.

1. To regulate the study of medicine, surgery and midwifery, by making rules with regard to the preliminary qualification, duration of study, curriculum to be followed, and the age of the candidate, applying for a license to practice : provided always that such rules shall not be contrary to the provisions of this Act.

To regulate the study.

2. To examine all credentials purporting to entitle the bearer to a license to practice, and all degrees or qualifications sought to be registered in this province, and to oblige the bearer of such credentials, degrees or qualifications to attest on oath, to be administered by the chairman for the time being, that he is the person whose name is mentioned therein, and that he became possessed thereof legally.

To examine all credentials of persons applying for license.

3. To cause every member of the profession now practising, or who may hereafter practise in the Province of Quebec, to enregister his name, age, place of residence, nativity, the date of his license, and the place where he obtained it, in the books of the College.

To cause all members of the profession to register name, &c.

4. To fix the period of probation which persons must undergo before being eligible for election as governors of the college, which period shall not be less than four years, and to make all such rules and regulations for the government and proper working of the said corporation and the election of a president

Period of probation to be eligible for election as governor.

and officers thereof, as to the board of governors may seem meet and expedient, which said rules and regulations shall, before they shall come into effect, be sanctioned by the lieutenant-governor in Council of this Province after the same shall have been submitted to him for approval and by him allowed.

Powers of
Provincial
Medical Board.

XII. The "provincial medical board:"—

1. Shall from time to time, as occasion may require, make rules and regulations for the guidance of the "examiners," and may prescribe the subjects and mode of the examinations, the time and place of holding the same, and generally may make all such rules and regulations in respect to such examinations not contrary to the provisions of this act, as they may deem expedient and necessary.

To make rules
for the
guidance of
examiners, &c.

2. It shall regulate the study of medicine, surgery and midwifery by making rules with regard to the preliminary qualifications, duration of study, curriculum of studies to be followed by the students.

To regulate the
study of
Medicine, &c.

Provided,

Provided always that such rules shall not be contrary to the provisions of this act, and that any change in the curriculum of studies fixed by the board shall not come into effect until one year after such change is made.

Power to make
tariffs of
charges in
town or
country.

3. It shall have power to make tariffs of rates to be charged in towns and country for medical, obstetrical or surgical advice, or for attendance—or for the performance of any operation or for any medicines which shall have been prescribed or supplied.

Assessors to be
appointed to
attend the
medical
examinations
of universities
and schools.

4. It shall appoint assessors either out of its own body or from among the registered members of the college, to visit and attend the medical examinations of the various universities, colleges, and incorporated schools of the province, and to report to the provincial board upon the character of such examinations, but such assessors shall not be chosen out of any one of the teachers in any one of the said universities, colleges or incorporated schools, and should such report be at any time unfavorable to any university, college, or incorporated school, the provincial board shall in such case and under such circumstances have the power to refuse the registration of the degree or diploma of the institution so reported upon, until such examination shall have been amended. For such purpose the provincial board shall appoint or elect assessors, two or more of whom shall

attend the examinations at each university, college or incorporated medical school.

5. It shall be the duty of the above institutions to notify the provincial board of the time or times at which their examinations shall be held, at least one month previous to such examinations.

Duty of Universities notify Prov. Board of time of their examinations.

XIII. The provincial medical board shall have the power to fix by by-law the salary or fees to be paid to the "officers," and to the "examiners" and visitors appointed by the said board; as well, also, the fees to be paid by all candidates entering on the study of medicine, as also by all candidates for the license to practice medicine, surgery, and midwifery, as well as the fee to be paid for registration; and the said board may dispose of all fees received in whatever manner they may think most conducive to the interests of the college.

Fee or salary to be paid to officers of the College.

XIV. The qualifications to be required from a candidate for examination to obtain a licence to practise shall consist in his not being less than twenty-one years of age; that he has followed his studies uninterruptedly during a period of not less than four years, commencing from the date of his admission to the study of medicine by this board, and that during the said four years he shall have attended at some university, college or incorporated school of medicine, within Her Majesty's dominions, not less than two six months' courses of general or descriptive anatomy,—of practical anatomy—of surgery—of practice of medicine—of midwifery—of chemistry—of *materia medica* and general therapeutics, of the institutes of medicine or physiology and general pathology, of clinical medicine and of clinical surgery,—one six months' course or two three months' courses of medical jurisprudence, and one three months' course of botany,—one three months' course of hygiene, and a course of not less than twenty-five demonstrations upon microscopic anatomy, physiology and pathology; also, that he shall have attended the general practice of an hospital in which are contained not less than fifty beds, under the charge of not less than two physicians or surgeons for a period of not less than one year and a half, or three periods of not less than six months each; and that he shall also have attended six cases of labour, and compounded medicine for six months. And to remove all doubts with regard to the number of lectures which the incorporated schools of medicine of the Province of Quebec are bound to give, be it enacted and declared that each six months' course

Qualifications for professional examination.

shall consist of one hundred and twenty lectures, except in the case of clinical medicine, clinical surgery, and medical jurisprudence. Of the four years study required by this act, three six-months' sessions, at least, shall be passed in attendance upon lectures at a university, college, or incorporated school of medicine recognised by this Board, the first whereof shall be so passed the year immediately succeeding the preliminary examinations.

Persons obtaining a license to be called members of the College, &c.

XV. All persons obtaining the license to practice from the College of Physicians and Surgeons of the Province of Quebec, shall be styled members of the said college, but shall not be eligible as governors within a period of four years from the date of their admission as members; and the said election of governors shall be made under such rules and regulations therefor, and in such manner as the said Board of Governors shall ordain. The members of the college shall pay the sum of two dollars a year for the use of the college.

All members to pay an annual fee of two dollars.

Prov. Medical Board to have power to make rules for the admission of females to practice Midwifery.

XVI. The Provincial Medical Board shall have the power to make rules and regulations respecting the admission of females to the practice of midwifery in this province.

A Book or Register to be kept.

XVII. The Provincial Medical Board shall cause to be kept by the registrar a book, or register, to be called the Register, in which shall be entered, from time to time, the names of all persons who have complied with the enactments hereinafter contained, and with the rules or regulations made or to be made by the Provincial Medical Board respecting the qualifications to be required from practitioners of medicine, surgery and midwifery in the Province of Quebec; and those persons only whose names have been or shall hereafter be inscribed in the register above-mentioned, shall be deemed to be qualified and licensed to practice medicine, surgery and midwifery in the Province of Quebec; and such register shall at all times be open and subject to inspection by any duly registered practitioner in the province, or by any other person.

Duty of the Registrar.

XVIII. It shall be the duty of the Registrar to keep the register correct in accordance with the provisions of this act and the orders and regulations of the Provincial Medical Board, and he shall from time to time make the necessary alterations in the addresses or qualifications of the persons registered under this act; and the said Registrar shall perform such other duties as shall be imposed upon him by the Provincial Medical Board.

XIX. If the Registrar be convicted of a felony he shall be disqualified from again holding any office in the college. Registrar if convicted of felony to be deprived of again holding office.

XX. Every member of the medical profession who, at the time of the passing of this act, may be possessed of a *license* from the College of Physicians and Surgeons of Lower Canada to practice medicine, surgery and midwifery in the Province of Quebec, shall, on the payment of the fee of one dollar, be entitled to be registered on producing to the Registrar the document conferring or evidencing the qualification, or each of the qualifications in respect whereof he seeks to be so registered, or upon transmitting by post to such Registrar information of his name and address, and evidence of the qualifications in respect whereof he seeks to be registered, and of the time or times at which the same was or were respectively obtained, *provided he register within one year after the passing of this act.* Licentiates to register within one year after the passing of this act.

XXI. Any person entitled to be registered under this act, but who shall neglect or omit to be so registered, shall not be entitled to any of the rights or privileges conferred by this act so long as such neglect or omission continues; and he shall be liable to all the penalties imposed by this act, or by any other act which may now be in force against unqualified or unregistered practitioners, and he shall pay a fine of five dollars every year until he is registered. Penalties for neglect to register.

XXII. No person shall be entitled to recover any charge in any court of law for any medical or surgical advice, or for attendance, or for the performance of any operation, or for any medicine which he shall have prescribed or supplied, nor be entitled to any of the rights or privileges conferred by the provisions of this act, unless he shall prove that he is registered under this act and has paid his annual contribution to the college. Unregistered practitioners not entitled to recover charges by suit in any court of law.

XXIII. No certificate required by any act now in force or that may hereafter be passed in this province from any physician or surgeon or medical practitioner, shall be valid unless the person signing the same be registered under this act. Certificates to be invalid if signed by an unregistered practitioner.

XXIV. Any registered member of the medical profession who shall have been convicted of any felony in any court shall thereby forfeit his right to registration, and, by the direction of Power to erase the name of a registered practitioner for certain offences

the Provincial Medical Board, his name shall be erased from the register ; or in case a person known to have been convicted of felony, shall present himself for registration, the Registrar shall have power to refuse such registration.

Penalty for practising medicine, surgery, or midwifery, without registration.

XXV. 1. Any person not entitled to be registered in this province, who shall be convicted upon the oath of one or more witnesses in accordance with the provisions of 38 Viet., Chap. 25 of this province, of having practised medicine, surgery or midwifery in the Province of Quebec, for hire, gain, or hope of reward, shall, upon summary conviction before a sheriff, or district magistrate or recorder, or judge of the sessions of the peace, be condemned to pay a fine of not less than \$25, nor exceeding \$100.

Penalty for the assumption of any title or addition implying legal authorization to practice medicine, &c., by unregistered practitioners.

2. A like penalty shall be incurred by every person assuming the title of doctor, physician, or surgeon, or any other name implying that he or she is legally authorized to practice medicine, surgery, or midwifery, in this province, if unable to establish the fact by legal proof ; and every person who by advertisement in any newspaper or by printed or written circulars, or by card, or by sign boards assumes any addition, name or description implying or calculated to lead persons to infer that he or she is a duly registered or qualified practitioner of medicine, surgery, and midwifery, or any one of them, or any person offering or giving his or her services as physician, surgeon, or midwife, if not duly licensed and registered in this province, shall in each such case be liable to be condemned to a like penalty.

Proof of registration how obtained.

3. In every prosecution under this act, the proof of registration shall be incumbent upon the prosecuted.

Prosecution under this act, before whom.

4. All prosecutions under this act, shall take place before any sheriff, district magistrate, or recorder, or judge of special sessions of the peace having jurisdiction in the locality where the offence was committed, and, such sheriff, district magistrate, or recorder or judge of special sessions of the peace, besides the fine above mentioned, shall have power to condemn in costs ; and in the event of the costs or the fine not being paid, to order an imprisonment for a term not exceeding thirty days, unless the fine and costs be sooner paid.

Penalties, how recoverable.

XXVI. 1. The penalties imposed by this Act, shall be recoverable with costs and the same may be sued for and

recovered by the said College of Physicians and Surgeons of the Province of Quebec, by its corporate name, and being recovered, shall belong to the said corporation for the use thereof.

And neither in any such suit or in any other civil action to or in which the said corporation may be a party or interested, shall any member of the corporation be deemed incompetent as a witness by reason of his being such member.

Members of corporation to be competent witnesses in any suit.

2. All penalties recoverable under this Act, shall be paid over to the court convicting, and by the latter, to the treasurer of the Provincial Medical Board. The Provincial Medical Board may authorize any person to prosecute in his own name, any person for any infringement of this Act, and the Provincial Medical Board shall have power to allow the prosecutor the whole or a portion of the penalties recovered.

Penalties recovered to be paid over to the Treasurer of the College.

XXVII. In all cases where proof of registration under this Act is required, the production of a printed or other copy of the register, certified under the hand of the Registrar of the College of Physicians and Surgeons of the Province of Quebec, for the time being, shall be sufficient evidence that all persons therein named are registered practitioners, in lieu of the production of the original register; and any certificate upon such printed or other copy of the register, purporting to be signed by any person in his capacity of Registrar of the College under this Act, shall be *prima facie* evidence that such person is such Registrar, without any proof of his signature, or of his being in fact such Registrar.

Certified copy of register to be deemed sufficient evidence in a court of law.

XXVIII. The present Board of Governors elected under the provisions of the acts hereinbefore repealed shall be continued and shall act until after the next triennial election, but subject in all other respects to the provisions of this Act; and all by-laws, rules and regulations heretofore made by the said College of Physicians and Surgeons of Lower Canada shall remain in force until repealed or modified under the provisions of this Act.

President Governors to be continued in office until after next Financial meeting of the College.

XXIX. The officers appointed under the provisions of the acts repealed, shall retain their respective offices, and perform their respective duties under the provisions of this Act, and all books and registers heretofore kept by them in conformity with

Officers of College to retain their respective offices.

the acts hereby repealed, shall be continued in use for their respective purposes under this Act.

The College to
be vested with
all rights, &c.

XXX. The College of Physicians and Surgeons of the Province of Quebec, is hereby vested with all the rights, powers, privileges, property and assets heretofore belonging to the College of Physicians and Surgeons of Lower Canada.

Act not to affect
Act 28, Vic.
Cap 59, 29 Vic.
Cap. 95.

XXI. Nothing in this Act contained shall be construed to affect the rights of any persons under the provisions of Act 28 Vict., Cap. 59, and amendments thereto 29 Vict. Cap. 95.

